

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

RUSSELL ROBINSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cv-0034
)	
UNITED STATES ATTORNEY,)	
)	
Defendant.)	
)	

ORDER

THIS MATTER is before the Court on Defendant United States Attorney's ("the Government") motion to dismiss for failure to state a claim and for lack of subject matter jurisdiction, ECF No. 11. For the reasons set forth below, the Government's motion shall be granted.

On April 22, 2020, Plaintiff Russell Robinson ("Robinson") filed his complaint. ECF No. 1. Though the precise nature of Robinson's claims is unclear, it appears that Robinson alleges that his conviction was obtained as a result of the Government's use of fraudulent recordings and an illegal modification to the indictment. ECF No. 1. Robinson seeks a writ of coram nobis to vacate his convictions, in addition to two-billion dollars in damages. *See generally* ECF Nos. 1, 3.

On June 23, 2020, the Government filed its motion to dismiss for failure to state a claim and for lack of subject matter jurisdiction. ECF No. 11. Therein, the Government argues that Robinson's complaint must be dismissed because the Court cannot issue a writ of coram nobis in a civil action, and in any event, Robinson is not entitled to such a writ. ECF No. 11, at 7. On June 30, 2020, Robinson filed his opposition, appearing to argue that the Court can issue such a writ under Fed. R. Crim. P. 57(b). *See generally* ECF No. 12. The Court is not persuaded by Robinson's argument.

The Federal Rules of Civil procedure "govern the procedure in all civil actions and proceedings in the United States district courts...." Fed. R. Civ. P. 1. Rule 60(e) clearly states, "The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela." Fed. R. Civ. P. 60(e); *see also* U.S. v. Morgan,

Robinson v. United States Attorney

Case No. 3:20-cr-0034

Order

Page 2 of 2

346 U.S. 502, 505 n. 4 (1952) ("Such a motion is a step in the criminal case and not, like habeas corpus where relief is sought in a separate case and record, the beginning of a separate civil Proceeding."). Thus, it is clear to the Court that the relief Robinson seeks is not available in this proceeding. Accordingly, it is hereby

ORDERED that the Government's motion to dismiss, ECF No. 11, is **GRANTED**. It is further

ORDERED that this matter is **DISMISSED**. It is further

ORDERED that all pending motions are **MOOT**. And it is further

ORDERED that the Clerk of Court shall **CLOSE** this case.

DATED: September 30, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
CHIEF JUDGE